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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,990	07/21/2005	Roland C Santa Ana	KBORI-0002	7826
	7590 04/06/200' IP LAW, PLLC	EXAMINER		
2815 HARTLA	*	GRANT, ALVIN J		
SUITE 120 FALLS CHUR	CH, VA 22043		ART UNIT	PAPER NUMBER
	•		. 3723	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		TA	<u></u>			
		Application No.	Applicant(s)			
		10/542,990	SANTA ANA, ROLAND C			
	Office Action Summary	Examiner	Art Unit			
		Alvin J. Grant	3723			
Period fo	The MAILING DATE of this communication apported to the communication apport.	pears on the cover sheet with the c	orrespondence address			
WHI(- Exte after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPL' CHEVER IS LONGER, FROM THE MAILING D. nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period or tre to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on 10 Is	- anuan/ 2007				
'=						
3)□	, —					
٥)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
		-x parte Quayle, 1900 C.D. 11, 40	J3 O.G. 213.			
Disposit	ion of Claims					
4)⊠	Claim(s) <u>17-23</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdraw	wn from consideration.				
5)	Claim(s) is/are allowed.					
6)⊠	6)⊠ Claim(s) <u>17-23</u> is/are rejected.					
7)	Claim(s) is/are objected to.					
8)□	Claim(s) are subject to restriction and/o	r election requirement.				
Applicati	on Papers	,				
	The specification is objected to by the Examine					
	The drawing(s) filed on is/are: a) acc		Eveminer			
الـــارت،			•			
•	Applicant may not request that any objection to the					
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex					
Priority ι	ınder 35 U.S.C. § 119					
_	:	priority under 35 H S C S 440(a)) (d) or (f)			
_	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
α),	·— ·—	s have been received				
	 Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No 					
			a in this National Stage			
* 0	application from the International Bureau	• • • • • • • • • • • • • • • • • • • •				
	See the attached detailed Office action for a list	of the certified copies not receive	: d.			
•						
Attoober :	Vol.					
Attachmen 1) ⊠ Notic	t(s) e of References Cited (PTO-892)	, , , , , , , , , , , , , , , , , , , ,	(770,440)			
	e of References Cited (P10-892) e of Draftsperson's Patent Drawing Review (PT0-948)	4) Interview Summary Paper No(s)/Mail Da				
3) 🔲 Inforτ	nation Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notice of Informal P				
Pape	r No(s)/Mail Date	6) Other:				

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman 83,897 in view of Hu 6,283,449.

Zimmerman discloses a hammer for removing nails from confined spaces, the hammer comprising: a handle; and a stationary hammerhead, affixed to the handle, with a striking face and a pair of apically-rounded, flared claws distally situated from the face; and each of the claws terminate in a nail removal void. Zimmerman does not specifically disclose the nail removal voids differ in size one from another. Hu teaches nail removal voids having different sizes so that the tool may accommodate nails of different sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the voids of Zimmerman's hammer to have different sizes as taught by Hu so as to accommodate nails of different sizes.

3. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman in view of Hu, and further in view of Te 6,571,666.

Zimmerman is described above. Referring to claim 17, 18 and 22, Zimmerman as modified does not specifically disclose a the hammerhead having multiple nail-retention grooves and multiple magnets embedded therein. Te discloses a hammerhead having multiple nail retention grooves having magnets embedded therein so as to store nails and making them readily

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accessible and firmly secured. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the hammerhead of the modified Zimmerman to have multiple retention grooves having magnets embedded therein as taught by Te so as to store nails and making them readily accessible and firmly secured.

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Referring to claims 91-21, Zimmerman does not specifically disclose at least one of the nail retention grooves having a cylindrical shape and a frustoconical groove proximate to a cylindrical groove. Te discloses a hammerhead wherein the nail retention grooves has a cylindrical shape and a frustoconical groove proximate to a cylindrical groove so as to enhance the adaptability of the groove to the shape of the nails. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the hammerhead of the modified Zimmerman to have the nail retention grooves has a cylindrical shape and a frustoconical groove proximate to a cylindrical groove as taught by Te so as to enhance the adaptability of the groove to the shape of the nails.

Response to Arguments

- 4. Applicant's arguments filed 1/19/07 have been fully considered but they are not persuasive.
- 5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the flared claws) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the apically-rounded claws) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin J Grant
Patent Examiner
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